

REMARKS

Claims 1, 29, 36, and 41 have been amended. Claims 1-45 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Double Patenting Rejection:

The Examiner rejected claims 1-5, 18, 19, 24-27 and 29-31 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 15-17, 22-26, 38-40, 44-49, 53-55, 59-62, 68, 69, 73-75 and 79-81 of U.S. Application No. 10/783,738. As noted in Applicants' previous Responses, the instant application and the 10/783,738 application are both pending patent applications, not issued patents. If and/or when this rejection becomes non-provisional, Applicants will consider filing a terminal disclaimer or present reasons traversing the rejection.

Section 112, Second Paragraph, Rejection:

The Examiner rejected claims 1-17 and 29-45 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants respectfully traverse this rejection for at least the following reasons.

The Examiner includes remarks directed to independent claims 1, 29 and 36, from which claims 2-27, 30-35 and 37-40 depend. However, the Examiner has not included any remarks directed to claims 41-45 in rejecting these claims under 35 U.S.C. § 112. Therefore, no *prima facie* rejection of claims 41-45 has been stated under 35 U.S.C. § 112.

In remarks directed to claim 1, the Examiner submits, "it is not clearly understood whether "an isolate" is a consuming isolate or how does it relate." Applicants again assert that the term "isolate" is a well-understood term of art and is also clearly described in Applicants' specification and claims. For example, claim 1 (as previously presented)

recited, “an isolate is a set of one or more computations that have a state that is independent of a state of other computations.” And as currently amended, this claim recites, “an isolate is a set of one or more computations that do not share state with other computations.” Applicants assert that the plain language of the claim does not require each “isolate” recited in the claims (where this term is used alone) to be a “resource consuming isolate,” nor does it exclude any “isolate” from being a “resource consuming isolate”. When used without a qualifier such as “resource consuming”, the term “isolate” is meant to encompass both isolates that consume resources and isolates that do not consume resources, according to various embodiments. Applicants again remind the Examiner that breadth of a claim is not to be equated with indefiniteness. M.P.E.P. § 2173.04; *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). As noted in Applicants’ previous responses, it would be easily understood from the plain language of the claim that a resource consuming isolate is an isolate that consumes resources, but that not all isolates consume resources.

The Examiner also states, “It is not clearly understood what is meant by state independent, is it execution state? What is meant by state?” Applicants do not understand the Examiner’s confusion regarding the term “state” or the concept of state independence in the above-referenced limitation. The term “state” is an extremely well understood term of art, which may include, but is not limited to, execution state. Again, Applicants remind the Examiner that breadth of a claim is not to be equated with indefiniteness. While Applicants assert that the concept of state independence is also well understood in the art, claims 1, 29, 36, and 41 have been amended to more particularly describe this concept.

Applicants respectfully remind the Examiner that if one skilled in the art would understand the bounds of the claim when read in light of the specification, then the claim satisfies section 112 paragraph 2. *Miles Labs., Inc. v. Shandon, Inc.*, 27 USPQ2d 1123, 1126 (Fed. Cir. 1993). “We have not insisted that claims be plain on their face in order to avoid condemnation for indefiniteness; rather, what we have asked is that the claims be amenable to construction, however difficult that task may be.” *Exxon Research & Eng’g*

Co. v. U.S., 60 USPQ2d 1272, 1276 (Fed. Cir. 2001). “If the meaning of the claim is discernible, even though the task may be formidable and the conclusion may be one over which reasonable persons will disagree, we have held the claim sufficiently clear to avoid invalidity on indefiniteness grounds.” *Id.* Applicants assert that the terms “isolate” and “state”, and the above-referenced limitation of claim 1 that includes them, would be clearly understood by one of ordinary skill in the art having benefit of Applicants’ disclosure.

Claims 29 and 36 include the terms “isolate” and “state” and limitations similar to the above-referenced limitation of claim 1, and were rejected for similar reasons. Therefore, the arguments presented above apply with equal force to these claims, as well.

For at least the reasons above, Applicants respectfully request removal of the rejection of claims 1-17 and 29-45 under 35 U.S.C. § 112.

Section 103(a) Rejections:

The Examiner rejected claims 1, 2, 4, 5, 14 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Suri, et al. (“Strong Mobility and Fine-Grained Resource Control in NOMADS”) (hereinafter “Suri”) in view of Bose et al. (U.S. Patent 7,366,134) (hereinafter “Bose”) and further in view of Ramamurthy et al. (U.S. Patent 7,080,077) (hereinafter “Ramamurthy”), claim 3 as being unpatentable over Suri in view of Bose in further view of Ramamurthy and in further view of Courtrai, et al. (“Resource Management for Parallel Adaptive Components”) (hereinafter “Courtrai”), claim 13 as being unpatentable over Suri in view of Bose in further view of Ramamurthy and in further view of Czajkowski, et al. (“Jres: A Resource Accounting Interface for Java”) (hereinafter “Czajkowski”), Chambliss et al. (U.S. Patent 7,228,354) (hereinafter “Chambliss”) and Belissent (WO 02/01834 12) (hereinafter “Belissent”), claims 15 and 16 as being unpatentable over Suri in view of Ramamurthy and Belissent, claims 18-20, 24-25, 27, 29, 30-31, 33, 36, 38, 40-41, 43 and 45 as being unpatentable over Suri in view of Ramamurthy, claims 6 and 7 as being unpatentable over Suri in view of Bose,

Ramamurthy and Czajkowski, claim 8 as being unpatentable over Suri in view of Bose, Ramamurthy, Czajkowski and Chambliss, claims 9-12 as being unpatentable over Suri in view of Ramamurthy, Czajkowski and Chambliss, claims 21, 23, 32, 34, 37 and 42 as being unpatentable over Suri in view of Ramamurthy and Chambliss, claim 44 as being unpatentable over Suri in view of Ramamurthy and further in view of Courtrai, claims 22 and 35 as being unpatentable over Suri in view of Ramamurthy, Chambliss and Belissent, and claim 39 as being unpatentable over Suri in view of Ramamurthy and Belissent.

Regarding claim 1, contrary to the Examiner's assertion, the cited art fails to teach or suggest *wherein the consume request is from one of a plurality of resource consuming isolates bound to one of a plurality of resource domains in which one or more respective resource policies for the requested resource are installed and wherein the threshold rate is specified in one of the one or more respective resource policies installed in the one of the plurality of resource domains bound to the one of the plurality of resource consuming isolates, wherein the one of the plurality of resource domains associates the one of the one or more respective resource policies for the requested resource with the plurality of resource consuming isolates bound to the one of the plurality of resource domains.*

On pages 6-7 of the Office Action of June 8, 2009, the Examiner admits that the combined teaching of Suri and Bose does not explicitly teach these limitations, and relies on Ramamurthy to teach them, citing col. 3, lines 1-24, col. 3, lines 45-62, and col. 18, lines 26-38. Ramamurthy is directed to an access system that includes an identity management portion that manages identity profiles that store information about various entities. An access management portion of the access system provides security for resources across one or more web servers.

The first passage cited by the Examiner describes a localized access feature for the identity management portion of the system that allows a set of identity profiles to be grouped together in order to define a locale. Users outside the locale can be restricted from accessing identity profiles inside the locale. Alternatively, users outside the locale can be restricted from accessing certain attributes of identity profiles inside the locale.

In other words, this passage describes that access to identity profiles is restricted to particular users (those whose identity profiles are grouped together to define a locale). **This has nothing to do with the consume requests, resource consuming isolates, resource domains, resource policies, or bindings of the above-referenced limitations of Applicants' claim 1.**

The second passage cited by the Examiner describes attributes of users or attributes of groups of users (e.g., domain attributes) in the identity management system of Ramamurthy. **This also has nothing to do with the consume requests, resource consuming isolates, resource domains, resource policies, or bindings of the above-referenced limitations of Applicants' claim 1.**

As discussed in Applicants' previous Response, the third passage (in column 18) describes the use of a policy domain cache for storing rules for each policy domain, including default and resource-specific access rules associated with resources in a given policy domain (e.g., authentication, authorization, and auditing rules). Other portions of Ramamurthy describe that these authentication rules may include access rules for various users of the resources.

Applicants assert that nothing in the cited passages, or elsewhere in Ramamurthy or any other evidence of record, teaches or suggests resource consuming isolates bound to one of a plurality of resource domains in which one or more respective resource policies for the requested resource are installed or wherein the threshold rate is specified in one of the one or more respective resource policies installed in the one of the plurality of resource domains bound to the one of the plurality of resource consuming isolates, wherein the one of the plurality of resource domains associates the one of the one or more respective resource policies for the requested resource with the plurality of resource consuming isolates bound to the one of the plurality of resource domains. For example, Ramamurthy does not teach or suggest that each of a plurality of resource domains may associate respective resource policies to a given resource (i.e., to the same resource), and that the particular policies associated with the resource in response to a

request to consume the resource are dependent on which of these resource domains is bound to the computations from which the request is received. Ramamurthy does not teach that computations (or isolates) are bound to a particular one of a plurality of resource domains, each of which specifies one or more respective policies for the resource. Instead, as noted above, the rules of a policy domain in Ramamurthy may be specific to resources or to users. In addition, the types of rules associated with the policy domains of Ramamurthy do not involve any threshold rates, such as the threshold rate recited in Applicants' claim. Therefore, the policy domains taught by Ramamurthy clearly do not meet the limitations of the resource domains of Applicants' claims.

In another example, the policy domains of Ramamurthy are described this way (in col. 10, lines 9-18), "A policy domain is a logical grouping of Web Server host ID's, host names, URL prefixes, and rules. Host names and URL prefixes specify the course-grain portion of the web name space a given policy domain protects. Rules specify the conditions in which access to requested resources is allowed or denied, and to which end users these conditions apply. Policy domains contain two levels of rules: first level default rules and second level rules contained in policies. First level default rules apply to any resource in a policy domain not associated with a policy." Nothing in the cited passage, or elsewhere in any of the cited art, teaches or suggests the binding of computations or isolates, as opposed to resources or users, to one of a plurality of resource domains, each of which specifies a respective set of resource policies for the same resource.

Further regarding claim 1, the cited art does not teach or suggest binding isolates to resource domains, *wherein an isolate is a set of one or more computations that do not share state with other computations*. The Examiner cites Ramamurthy, col. 3, lines 25-65 as teaching such isolates in the context of Ramamurthy's access system. However, this passage has nothing to do with sets of computations that do not share state with other computations, much less with such sets of computations that are bound to one of a plurality of resources domains, as in Applicants' claims. Instead, this passage describes attributes of identity (i.e. user) profiles such as company name, address, last name, first

name, organization, etc. These attributes clearly have nothing to do with sets of computations that are bound to resource domains.

On page 37 of the Office Action of June 8, 2009, the Examiner disagrees with Applicants' argument that Ramamurthy does not teach or suggest "resource consuming isolates bound to one of a plurality of resource domains in which one or more respective resource policies for the requested resource are installed." Specifically, the Examiner submits, "Ramamurthy teaches localized access through bounding user domain attribute (consuming isolate) to one or more locales (one or more resource domain) in which one or more policies are installed. One of these policies is an access policy, which grants access to any consuming isolate/user if the isolate is bound/member to the resource domain/locale (col. 31-67)." Applicants assume the Examiner means to cite column 3, lines 1-67, which describes the locales of Ramamurthy. Applicants first note that the Examiner appears to be equating the resource consuming isolate of Applicants' claims with a user. **This is clearly incorrect**, according to the plain language of claim 1, e.g., "an isolate is a set of one or more computations..."

Applicants further assert that the "locales" of Ramamurthy are clearly **not resource domains**, as the Examiner suggests, but are collections of identity profiles used by the identity management portion of Ramamurthy's system to authenticate users. The "access policy" noted by the Examiner in column 3 is not a policy controlling access to consumable resources, but is a policy for controlling access to identity profiles. There are no resource policies for consumable resources installed in the locales of Ramamurthy, as required by Applicants' claims. Nor is there any teaching of binding a resource consuming isolate (which is a set of computations, not a user) to one of Ramamurthy's locales, as the Examiner suggests. In addition, in Ramamurthy, policy domains (which are completely different from locales) are logical groupings of Web server host ID's, host names, URL prefixes, and rules used by the access management portion of Ramamurthy's system to determine whether a user is allowed to access the resources protected by the policy domains. Neither the identity management portion of Ramamurthy's system nor the access management portion includes resource domains that

associate respective resource policies for a requested resource with a plurality of resource consuming isolates bound to the resource domain, as in Applicants' claim.

As described in detail above, Applicants assert that Ramamurthy, whether taken alone or in combination with Suri and/or Bose, clearly fails to teach or suggest the above-referenced limitations of claim 1.

In addition, Applicants assert that the Examiner has not stated a proper reason to combine the teachings of the cited art. On page 7 of the Office Action of June 8, 2009, the Examiner again asserts that it would have been obvious to combine the teachings of Suri, Bose, and Ramamurthy "because Ramamurthy teaching of source domain associates the resource policy for the requested resource with the plurality of resource consuming isolates bound to the resource domain would improve system performance and efficiency in resource usage based on set policy to protect the system from greedy resource consumers and bottlenecks." **Applicants assert that the Examiner's remarks are completely unsupported in the references themselves or by any other evidence of record.**

Since the Examiner's remarks regarding a reason to combine the references are identical to those stated in the Final Action mailed February 24, 2009, Applicants repeat their previous arguments (presented in Applicants' Response of March 26, 2009) below.

First, as discussed above, Ramamurthy does not teach resource domains associating resource policies with resource consuming isolates bound to the resource domain. In addition, there is nothing in the evidence of record that teaches or suggests that incorporating the policy domain of Ramamurthy into a system taught by Suri and Bose would improve system performance and efficiency in resource usage, as suggested by the Examiner. A system taught by Suri and Bose would already include, for example, implementation of and enforcement of various resource limits (see, e.g., Suri, p. 7, section 3.2) that could be used to "protect the system from greedy resource consumers and bottlenecks." In addition, there is nothing in Ramamurthy that teaches or suggests

that the types of rules described as being associated with a policy domain (e.g., access, authentication, and authorization rules, and logging rules associated with these rules) do anything to protect Ramamurthy's system from greedy resource consumers and bottlenecks. **The Examiner's suggestion that the policy domains of Ramamurthy would improve the performance of such a system is nothing but pure unsupported speculation.**

Applicants respectfully remind the Examiner that to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. As discussed above, the cited art fails to teach or suggest the resource domains of Applicants' claim, according to the limitations recited therein. In addition, as discussed above, the Examiner has not stated a valid reason to combine the references. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness.

For at least the reasons above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested.

Claims 36 and 41 include limitations similar to those discussed above and were rejected for the same reasons. Therefore, the arguments presented above apply with equal force to these claims, as well.

Regarding claim 18, contrary to the Examiner's assertion, the cited art fails to teach or suggest *managing consume requests for a resource from a plurality of computations that consume the resource and that are bound to one of a plurality of resource domains in which one or more respective resource policies for the resource are installed; and wherein the threshold is specified in one of the one or more respective resource policies installed in the one of the plurality of resource domains bound to the plurality of computations, wherein the one of the plurality of resource domains associates the one of the one or more respective resource policies for the resource with the plurality of computations bound to the one of the plurality of resource domains.*

On pages 12-13 of the Office Action of June 8, 2009, the Examiner admits that Suri does not teach these limitations, and relies on Ramamurthy to teach them, again citing col. 3, lines 1-24, col. 3, lines 45-62, and col. 18, lines 26-38. However, as discussed above in remarks directed to claim 1, Ramamurthy clearly fails to suggest binding resource consuming computations to one of a plurality of resource domains, each of which includes respective resource policies for the same resource, and associating a resource policy with the computations that are bound to the particular resource domain, as required by Applicants' claim.

The Examiner repeats his remarks from claim 1 concerning his reasoning for combining the teachings of Suri and Ramamurthy. However, as discussed above, the Examiner's stated reason to combine the references is completely unsupported by the references and amounts to nothing but pure speculation.

For at least the reasons above, the rejection of claim 18 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 29 includes limitations similar to those discussed above and was rejected for the same reasons. Therefore, the arguments presented above apply with equal force to this claim, as well.

Applicants assert that numerous ones of the dependent claims recite further distinctions over the cited art. Applicants traverse the rejection of these claims for at least the reasons given above in regard to the claims from which they depend. Since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Applicants reserve the right to present additional arguments.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6000-33300/RCK.

Respectfully submitted,

/Robert C. Kowert/

Robert C. Kowert, Reg. #39,255
Attorney for Applicants

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

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